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REMARKS

This responds to the Office Action outstanding against this application. Prior to entry of this amendment, claims 1-16 were pending in the application (following entry of the preliminary amendment filed with the application) of which only claim 1 has been amended herein. Claims 1-16 remain pending. No new matter has been added. The features introduced in claim 1 are disclosed in the original text at page 7, lines 11-15.

Claim Rejection - 35 U.S.C. § 112

The claims were objected to under 35 U.S.C. 112, second paragraph, because of claims 1-12 were considered indefinite and generally narrative. The claims have been carefully reviewed and amended in an effort to render the claims fully definite as required by § 112, second paragraph. It is respectfully submitted that the claims are now fully definite, and withdrawal if the § 112, second paragraph rejection is respectfully requested.

Claim Rejection - 35 U.S.C. § 103

Claims 1-5 and 7-12 were rejected under 35 U.S.C. § 103 as being unpatentable over Malini (EP 1 256 519) in view of Ponti (EP 0 581 747). Also claim 6 was rejected under 35 U. S. C. § 103 as being unpatentable over Malini (EP 1 256 519) in view of Ponti (EP 0 581 747), and still further in view of Ballestrazzi (US 4,693,053).

To overcome such rejections, claim 1 has been amended accordingly. In particular original claim 1 has been amended to include the distinguishing features **"the apparatus (4) further comprising a plurality of idle film tensioning rollers (30) located beside the roll (11), at least one idle tensioning roller (30) being fixed on a plate (31), at least one idle tensioning roller (30) being mounted on a rocker arm**

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(32) pivoted on a frame (33) forming part of the apparatus (4)" met within the original text, page 7, lines 11-15.

As is readily apparent from the features introduced in claim 1 and from the drawings (FIGS. 1 and 2) of the present application, the rollers (30) fixed on the plate can only rotate about their respective axes, while the rollers (30) mounted on the rocker arm (32) can rotate about their respective axes and also about the pivot (C) on the rocker arm (32) by drawing closer and moving away from the rollers (30) fixed on the plate (31). Such a structure enables alternatively putting the film around the successive rollers (30) fixed on the plate (31) and the successive rollers (30) mounted on the rocker arm (32); by defining a sort of expansible structure able to immediately compensate for the request of film actuated by the wrapping means (7). In particular, it is to be noted that the wrapping means (7), as disclosed and shown in the drawings, operates according to significant accelerations and decelerations. When the wrapping means (7) accelerates, it takes with itself the film (3) over the group (1) of products (2) which advances along the respective surface (5, 6). When the film (3) is completely over the group (1) of products (2), the wrapping means (7) decelerates until taking the successive portion of film (3) to repeat the wrapping operation for another group (1) of products (2). Naturally, this implies a discontinuous request of film, as enabled by the feed unit and rollers (30).

The applicant respectfully submits that there are no documents in the prior art cited which disclose the technical features above described and defined in amended claim 1. Malini (EP 1 256 519) does not disclose any plurality of idle film tensioning rollers located beside the roll as defined in amended claim 1, able to constitute an expansible structure as described herein. Ponti (EP 0 581 747) refers to wrapping means different to the one shown in the application. Ponti (EP 0 581 747) discloses

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feed means provided with a roll of film (3) and a first and second power driven rollers (27 and 28) underneath the first and the second surfaces. Ponti (EP 0 581 747) does not disclose the structure as defined in amended claim 1 insofar as it relates to the at least one roller mounted on the plate and at least one roller mounted on the rocker arm. In contrast, Ponti merely shows a tubular roller (29) vertically movable to allow to sensor means (30) of controlling the feed of film from the roll (3). Nothing in Ballestrazzi (US 4,693,053) overcomes these deficiencies of Malini and Ponti.

In light of the foregoing amendments and remarks, the claimed development as defined in amended claim 1 is respectfully submitted to be novel and unobvious over the art of record. The dependent claims are respectfully submitted to be in condition for allowance with amended claim 1.

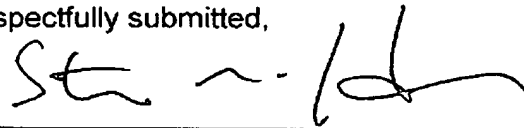
Furthermore, the Applicant respectfully notes that the amended claims are also inventive over the art of record because the combination of Malini (EP 1 256 519) and Ponti (EP 0 581 747) cannot produce as result an apparatus provided with a plurality of idle rollers, some fixed on a plate of the apparatus and others mounted on a pivotable rocker arm because of neither Malini (EP 1 256 519) nor Ponti (EP 0 581 747) shows an expansible structure like the one claimed in amended claim 1. It should be noted that the movable tubular roller (29) disclosed in Ponti (EP 0 581 747) is not able to provide an immediately response to the significant and sudden request of film demanded by wrapping means like the one disclosed in Malini (EP 1 256 519) and in the Application. Indeed if Ponti's feed means is arranged to work with Malini's wrapping means, the film would be overstretched because of the roller is not able to give the required film. Consequently, the film is deformed during advancing of the film, cutting operations and wrapping operations.

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Conclusion

The prior art made of record but not applied by the Examiner has been carefully considered but is submitted to be less relevant than the references previously discussed. All matters having been addressed above and in view of the pending claims and remarks, Applicant respectfully requests the entry of this Amendment, the Examiner's reconsideration of the application, and the timely allowance of the pending claims. Applicants' counsel remains ready to assist the Examiner in any way to facilitate and expedite the prosecution of this application.

Respectfully submitted,



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